

U.S. House of Representatives
Committee on the Judiciary

Washington, DC 20515-6216
One Hundred Fifteenth Congress

February 6, 2018

The Honorable Jeff Sessions
Attorney General
U.S. Department of Justice

The Honorable Christopher Wray
Director
Federal Bureau of Investigation

Dear Attorney General Sessions and Director Wray:

I write concerning the letter sent to you by Chairman Goodlatte on February 1, 2018, which requests certain materials “about potential abuses of the Foreign Intelligence Surveillance Act (FISA)” allegedly directed “against those in the Trump Administration.”

Given the sensitive nature of the items requested and the potential for misuse and cherry-picking of any classified information you may provide—a problem demonstrated in the recent release of the so-called “Nunes memo”—I respectfully request that the Committee Minority be included in any discussions concerning how the Department of Justice and the FBI will handle Chairman Goodlatte’s request. I also ask that, at the appropriate time, you will give the Minority an opportunity to supplement the Chairman’s request so that we can make a full and complete record of events available to our Members.

I make these requests for several reasons.

First, you should be aware the February 1 letter was issued unilaterally by Chairman Goodlatte, without any consultation with the Minority. The Chairman also did not consult with us before sending a similar letter to the presiding judge of the Foreign Intelligence Surveillance Court on January 16. Had we been consulted, I would have advised the Chairman that the Committee does not ordinarily demand information from the judicial branch in this manner.

Second, the letter is not part of our ordinary oversight of the Foreign Intelligence Surveillance Act. Were that the case, the questions posed would involve questions of general

applicability, rather than those focused on investigations involving “the Trump Administration” or the Trump campaign.

Third, I am increasingly concerned that Congressional Republicans are using their oversight powers, not to investigate the Russian interference in the recent election or to prevent similar attacks in the future, but rather to undermine ongoing federal investigations. When he released his highly misleading memo, Intelligence Committee Chairman Nunes acknowledged that Intelligence Committee Republicans are engaged in an “ongoing investigation into the Department of Justice (DOJ) and the Federal Bureau of Investigation.” Our own Majority is already engaged in an examination of the FBI’s handling of the Hillary Clinton email investigation. Chairman Goodlatte’s February 1 letter formally broadens our Committee’s work to include the Department’s investigation of connections between the Russian government and the Trump campaign.

Fourth, these investigations dovetail with an ongoing effort by President Trump to tarnish the reputation of the Justice Department and the FBI. President Trump has declared that the Mueller investigation is “the single greatest witch hunt of a politician in American history.” He believes the reputation of the FBI is “in tatters” and the “worst in history.” After the release of the Nunes memo, he stated the Department’s leaders are “disgraceful” and “should be ashamed.” I am troubled by these inaccurate and inappropriate criticisms by the President, and by the impact this barrage must have had on the morale of career personnel at your agencies.

Finally, given the foregoing, Mr. Attorney General, I hope that you would honor your commitment to recuse yourself from “any existing or future investigations of any matters related in any way to the campaigns for President of the United States,” and instead permit other relevant officials to review and respond to the Chairman’s letter along with Director Wray.

I would not ordinarily respond to an oversight request by the Chairman in this manner, but I am compelled to do so because of the precarious constitutional moment in which we find ourselves: the President is using his “bully pulpit” to damage the credibility of the Department in a transparent effort to avoid accountability, and a congressional majority is choosing to amplify, rather than correct, those attacks.

Given President Trump’s habit of attacking other democratic institutions—including the courts and the free press—it is imperative that the Department reassert its role as an independent and fair custodian of the rule of law in our society.

Thank you for your consideration.

Sincerely,



Congressman Jerrold Nadler
Ranking Member, House Committee on the Judiciary

cc: Bob Goodlatte, Chairman, House Judiciary Committee